

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Eugene Laron Johnson,

Case No. 22-CV-1123 (KMM/ECW)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Ramsey County ADC,

Defendant.

On May 9, 2022, this Court ordered plaintiff Eugene Laron Johnson to show cause [Dkt. No. 3] why this matter should not be dismissed as entirely duplicative of another lawsuit now pending in this District filed by him; the two cases involve the same allegations concerning the same incident, and Johnson presents the same claim for relief against the same defendant in each action. *See Johnson v. Ramsey County ADC*, No. 22-CV-0494 (ECT/BRT) (D. Minn.). Johnson was given until June 8, 2022, in which to respond to the order to show cause.

That deadline has now passed, and Johnson has not responded to the Court's prior order to show cause why this case should not be dismissed as duplicative and therefore frivolous.¹ In fact, Johnson has not communicated with the Court about this case at all

¹ Two copies of the Court's prior order were mailed to Johnson — the first (on May 9, 2022) to the facility where Johnson previously resided, and the second (on May 10, 2022) to the facility where Johnson had been transferred subsequent to filing this lawsuit. The first copy was returned as undeliverable, but there is no reason to believe that Johnson did not receive the second copy.

since commencing this action. Accordingly, this Court now recommends that this action be dismissed — not for frivolity, but pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: June 27, 2022

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).